

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

SEVENTY-FIRST LEGISLATIVE DAY
MONDAY, MARCH 21, 2005

Senate Chamber

President Risch called the Senate to order at 9 a.m.

Roll call showed all members present except Senators Coiner, Malepeai, and Werk, absent and formally excused by the Chair; and Senators Burkett, Keough, Schroeder, and Sweet, absent and excused. [District 21 seat temporarily vacant.]

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Crista Cardwell, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 18, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SCR 118 BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION
ENCOURAGING GREATER ACCESS TO PRESCRIPTION
DRUGS FOR IDAHO RESIDENTS THROUGH
IDENTIFICATION AND CREATION OF PUBLIC-PRIVATE
PARTNERSHIPS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, prescribed medications are integral to the provision of appropriate medical treatment and prescribed medicines provide tremendous value in the improved treatment of disease, reduction in overall health care costs and better quality of life; and

WHEREAS, a significant number of Idaho residents lack health insurance coverage that offers adequate pharmaceutical benefits and many Idahoans struggle to afford the prescription medications they need; and

WHEREAS, a number of public and private pharmaceutical benefit programs exist to provide assistance to Idaho residents who need affordable prescription drugs; and

WHEREAS, there is a need for Idahoans to be able to identify pharmaceutical benefits for which they are eligible.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislature of the State of Idaho encourages the Department of Health and Welfare to gather information about public and private prescription drug benefits not associated with a particular health plan or insurer, to include pharmaceutical manufacturer patient assistance programs, prescription drug discount card programs, prescription drug benefits in the SHCIP program, Medicare and Medicaid.

BE IT FURTHER RESOLVED that the Legislature encourages the department to utilize such information to assist Idaho residents in identifying benefits for which they may be eligible, and to promote the availability of existing resources such as the Rx Idaho Program.

BE IT FURTHER RESOLVED that the Legislature encourages the department to actively seek partnerships and to solicit cooperation and financial support from any available private sources, including pharmaceutical manufacturers.

SCR 118 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Schroeder was recorded present at this order of business.

March 21, 2005

The JUDICIARY AND RULES Committee reports that **S 1221, S 1222, S 1223, S 1224, and S 1225** have been correctly printed.

DARRINGTON, Chairman

S 1221, S 1222, S 1223, S 1224, and S 1225 were referred to the Finance Committee.

March 18, 2005

The JUDICIARY AND RULES Committee reports that **S 1011, S 1076**, as amended, **S 1127, S 1131, S 1182, S 1184, S 1187**, and **SJM 107** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1011, S 1076**, as amended, **S 1127, S 1131, S 1182, S 1184, S 1187**, and **SJM 107** and ordered them transmitted to the House for the signature of the Speaker.

March 18, 2005

The JUDICIARY AND RULES Committee reports that **S 1122**, as amended in the House, has been correctly engrossed.

DARRINGTON, Chairman

S 1122, as amended in the House, was filed for first reading.

March 18, 2005

The STATE AFFAIRS Committee reports out **H 85**, as amended, **H 49**, as amended, **H 23**, **H 249**, and **S 1192** with the recommendation that they do pass.

BURTENSHAW, Chairman

H 85, as amended, **H 49**, as amended, **H 23**, **H 249**, and **S 1192** were filed for second reading.

March 18, 2005

The STATE AFFAIRS Committee reports out **H 283** with the recommendation that it do pass, and with the recommendation that it be placed on to the Consent Calendar.

BURTENSHAW, Chairman

H 283 was filed for second reading.

March 18, 2005

The STATE AFFAIRS Committee reports out **S 1217** with the recommendation that it do pass.

BURTENSHAW, Chairman

S 1217 was filed for second reading.

March 18, 2005

The FINANCE Committee reports out **H 343**, **H 344**, **H 345**, **H 346**, **H 347**, and **H 348** with the recommendation that they do pass.

CAMERON, Chairman

H 343, **H 344**, **H 345**, **H 346**, **H 347**, and **H 348** were filed for second reading.

March 18, 2005

The HEALTH AND WELFARE Committee reports out **H 247** with the recommendation that it do pass.

COMPTON, Chairman

H 247 was filed for second reading.

March 18, 2005

The JUDICIARY AND RULES Committee reports out **H 203**, as amended, **H 207**, and **H 208**, as amended, with the recommendation that they do pass.

DARRINGTON, Chairman

H 203, as amended, **H 207**, and **H 208**, as amended, were filed for second reading.

March 18, 2005

The RESOURCES AND ENVIRONMENT Committee reports out **H 145**, as amended, with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

SCHROEDER, Chairman

There being no objection, **H 145**, as amended, was referred to the Fourteenth Order of Business, General Calendar.

March 18, 2005

The RESOURCES AND ENVIRONMENT Committee reports out **H 70** with the recommendation that it do pass.

SCHROEDER, Chairman

H 70 was filed for second reading.

March 21, 2005

The FINANCE Committee reports out **S 1221**, **S 1222**, **S 1223**, **S 1224**, and **S 1225** with the recommendation that they do pass.

CAMERON, Chairman

S 1221, **S 1222**, **S 1223**, **S 1224**, and **S 1225** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 18, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Joan M. Cloonan of Boise, Idaho, was appointed as a member of the Idaho Board of Environmental Quality to serve a term commencing July 1, 2004, and expiring July 1, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Health and Welfare Committee.

March 18, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Martha A. Calabretta of Osburn, Idaho, was appointed as a member of the Idaho Board of Environmental Quality to serve a term commencing March 16, 2005, and expiring July 1, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Health and Welfare Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 18, 2005

Mr. President:

I transmit herewith **HJM 5, H 295, H 325, H 301, H 326, HCR 23**, and **H 322** which have passed the House.

JUKER, Chief Clerk

HJM 5, H 295, H 325, H 301, H 326, HCR 23, and **H 322** were filed for first reading.

March 18, 2005

Mr. President:

I transmit herewith Enrolled **H 152, H 153**, and **H 154** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 152, H 153**, and **H 154** and ordered them returned to the House.

March 18, 2005

Mr. President:

I return herewith Enrolled **S 1008, S 1009, S 1010, S 1030, S 1038, S 1039**, as amended, **S 1040, S 1052, S 1053, S 1054, S 1055, S 1056, S 1064, S 1065, S 1067, S 1068**, as amended,

S 1069, S 1071, as amended, **S 1072, S 1073, S 1081, S 1084, S 1100, S 1114, S 1125, S 1126, S 1137, S 1149, S 1175, S 1176, S 1177**, and **S 1178** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1008, S 1009, S 1010, S 1030, S 1038, S 1039**, as amended, **S 1040, S 1052, S 1053, S 1054, S 1055, S 1056, S 1064, S 1065, S 1067, S 1068**, as amended, **S 1069, S 1071**, as amended, **S 1072, S 1073, S 1081, S 1084, S 1100, S 1114, S 1125, S 1126, S 1137, S 1149, S 1175, S 1176, S 1177**, and **S 1178** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

March 18, 2005

Mr. President:

I return herewith **S 1188, S 1092, S 1099, S 1138, S 1061**, and **S 1119** which have passed the House.

JUKER, Chief Clerk

S 1188, S 1092, S 1099, S 1138, S 1061, and **S 1119** were referred to the Judiciary and Rules Committee for enrolling.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senators Burkett, Keough, and Sweet were recorded present at this order of business.

The President announced that **HCR 17** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Goedde, seconded by Senator Marley, **HCR 17** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that **HJM 4** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Corder, seconded by Senator Stennett, **HJM 4** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1122, as amended in the House, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

HJM 5, by Revenue and Taxation Committee, was introduced, read at length, and referred to the Resources and Environment Committee.

H 295, by State Affairs Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 325, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 301, by State Affairs Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 326, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

HCR 23, by Revenue and Taxation Committee, was introduced, read at length, and referred to the State Affairs Committee.

H 322, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 230, by State Affairs Committee, was read the second time at length and filed for third reading.

H 197, as amended, by Business Committee, was read the second time at length and filed for third reading.

H 327, H 328, H 329, H 330, H 338, H 339, H 340, H 341, and **H 342**, by Appropriations Committee, were read the second time at length and filed for third reading.

H 159 and **H 138**, by Business Committee, were read the second time at length and filed for third reading.

S 1198, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

H 263, by State Affairs Committee, was read the second time at length and filed for third reading.

H 139, as amended, and **H 160**, as amended, by Business Committee, were read the second time at length and filed for third reading.

H 161 and **H 135**, by Business Committee, were read the second time at length and filed for third reading, Consent Calendar.

H 234, by State Affairs Committee, was read the second time at length and filed for third reading, Consent Calendar.

H 162, by Business Committee, was read the second time at length and filed for third reading, Consent Calendar.

S 1190, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

H 54, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

H 68, as amended, by Resources and Conservation Committee, was read the second time at length and filed for third reading.

H 193, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

SJR 102, by Education Committee, was read the second time at length and filed for third reading.

S 1210, S 1211, S 1212, S 1213, S 1214, S 1215, and **S 1216**, by Finance Committee, were read the second time at length and filed for third reading.

H 266, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1209 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Gannon, Geddes, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Williams. Total - 30.

NAYS--None.

Absent and excused--Coiner, Goedde, Malepeai, Werk. Total - 4.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1209** passed, title was approved, and the bill ordered transmitted to the House.

H 316 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Williams. Total - 31.

NAYS--None.

Absent and excused--Coiner, Malepeai, Werk. Total - 3.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 316** passed, title was approved, and the bill ordered returned to the House.

S 1189 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Williams. Total - 31.

NAYS--None.

Absent and excused--Coiner, Malepeai, Werk. Total - 3.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1189** passed, title was approved, and the bill ordered transmitted to the House.

S 1172 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Gannon arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Gannon, granted by unanimous consent, **S 1172** retained its place on the Third Reading Calendar for one legislative day.

S 1196 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Williams. Total - 31.

NAYS--None.

Absent and excused--Coiner, Malepeai, Werk. Total - 3.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1196** passed, title was approved, and the bill ordered transmitted to the House.

S 1142, as amended in the House, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Williams. Total - 31.

NAYS--None.

Absent and excused--Coiner, Malepeai, Werk. Total - 3.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1142**, as amended in the House, passed, title was approved, and the bill was referred to the Judiciary and Rules Committee for enrolling.

H 140, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Cameron, Compton, Corder, Darrington, Davis, Gannon, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKenzie, Schroeder, Stegner, Sweet. Total - 22.

NAYS--Burkett, Burtenshaw, Geddes, Hill, Marley, Pearce, Richardson, Stennett, Williams. Total - 9.

Absent and excused--Coiner, Malepeai, Werk. Total - 3.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 140**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

H 200, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Williams. Total - 31.

NAYS--None.

Absent and excused--Coiner, Malepeai, Werk. Total - 3.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 200**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

The President called Senator Richardson to the Chair.

H 191 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Williams. Total - 31.

NAYS--None.

Absent and excused--Coiner, Malepeai, Werk. Total - 3.

Total - 34. [District 21 seat vacant.]

Whereupon the Acting President declared **H 191** passed, title was approved, and the bill ordered returned to the House.

H 192 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Williams. Total- 31.

NAYS--None.

Absent and excused--Coiner, Malepeai, Werk. Total - 3.

Total - 34. [District 21 seat vacant.]

Whereupon the Acting President declared **H 192** passed, title was approved, and the bill ordered returned to the House.

H 204 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough,

Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Williams. Total - 31.

NAYS--None.

Absent and excused--Coiner, Malepeai, Werk. Total - 3.

Total - 34. [District 21 seat vacant.]

Whereupon the Acting President declared **H 204** passed, title was approved, and the bill ordered returned to the House.

H 205 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Williams. Total - 31.

NAYS--None.

Absent and excused--Coiner, Malepeai, Werk. Total - 3.

Total - 34. [District 21 seat vacant.]

Whereupon the Acting President declared **H 205** passed, title was approved, and the bill ordered returned to the House.

H 206 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Williams. Total - 31.

NAYS--None.

Absent and excused--Coiner, Malepeai, Werk. Total - 3.

Total - 34. [District 21 seat vacant.]

Whereupon the Acting President declared **H 206** passed, title was approved, and the bill ordered returned to the House.

The President returned to the Chair.

H 245 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Williams. Total - 31.

NAYS--None.

Absent and excused--Coiner, Malepeai, Werk. Total - 3.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 245** passed, title was approved, and the bill ordered returned to the House.

H 165 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Stennett and Little arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Williams. Total - 31.

NAYS--None.

Absent and excused--Coiner, Malepeai, Werk. Total - 3.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 165** passed, title was approved, and the bill ordered returned to the House.

H 94, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Williams. Total - 31.

NAYS--None.

Absent and excused--Coiner, Malepeai, Werk. Total - 3.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 94**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 157 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Williams. Total - 31.

NAYS--None.

Absent and excused--Coiner, Malepeai, Werk. Total - 3.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 157** passed, title was approved, and the bill ordered returned to the House.

H 67 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Williams. Total - 31.

NAYS--None.

Absent and excused--Coiner, Malepeai, Werk. Total - 3.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 67** passed, title was approved, and the bill ordered returned to the House.

H 132 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Williams. Total - 31.

NAYS--None.

Absent and excused--Coiner, Malepeai, Werk. Total - 3.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 132** passed, title was approved, and the bill ordered returned to the House.

H 133 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Williams. Total - 31.

NAYS--None.

Absent and excused--Coiner, Malepeai, Werk. Total - 3.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 133** passed, title was approved, and the bill ordered returned to the House.

H 229 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Burkett, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Langhorst, Little, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Williams. Total - 28.

NAYS--Keough, Lodge. Total - 2.

Absent and excused--Bunderson, Coiner, Malepeai, Werk. Total - 4.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 229** passed, title was approved, and the bill ordered returned to the House.

H 18 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Gannon arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Williams. Total - 31.

NAYS--None.

Absent and excused--Coiner, Malepeai, Werk. Total - 3.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 18** passed, title was approved, and the bill ordered returned to the House.

H 231 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Goedde and Pearce arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Stegner, Sweet, Williams. Total - 25.

NAYS--Burkett, Kelly, Langhorst, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 8.

Absent and excused--Coiner. Total - 1.

Paired and voting included in roll call:

AYE - McKenzie NAY - Malepeai

AYE - Andreason NAY - Werk

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 231** passed, title was approved, and the bill ordered returned to the House.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:10 p.m. until the hour of 4:30 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senators Coiner, Malepeai, and Werk, absent and formally excused by the Chair; and Senators Andreason, Brandt, Broadsword, Burkett, Burtenshaw, Compton, Darrington, Kelly, Keough, Marley, McGee, and Williams, absent and excused. [District 21 seat temporarily vacant.]

Prior to recess the Senate was at the Thirteenth Order of Business, Third Reading of Bills.

On request by Senator Davis, granted by unanimous consent, **H 182** and **H 178** retained their place on the Third Reading Calendar.

Senators Andreason, Brandt, Broadsword, Burkett, Compton, Darrington, Kelly, Keough, Marley, and McGee were recorded present at this order of business.

H 185, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet. Total - 29.

NAYS--None.

Absent and excused--Burtenshaw, Coiner, Malepeai, Werk, Williams. Total - 5.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 185**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 182, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet. Total - 29.

NAYS--None.

Absent and excused--Burtenshaw, Coiner, Malepeai, Werk, Williams. Total - 5.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 182** passed, title was approved, and the bill ordered returned to the House.

H 178, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Bunderson, Compton, Darrington, Davis, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, Schroeder, Stennett. Total - 17.

NAYS--Broadsword, Cameron, Corder, Geddes, Hill, McKenzie, Pearce, Richardson, Stegner, Sweet. Total - 10.

Absent and excused--Burkett, Burtenshaw, Coiner, Gannon, Malepeai, Werk, Williams. Total - 7.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 178** passed, title was approved, and the bill ordered returned to the House.

H 40 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet. Total - 29.

NAYS--None.

Absent and excused--Burtenshaw, Coiner, Malepeai, Werk, Williams. Total - 5.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 40** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Stegner, granted by unanimous consent, **H 38** retained its place on the Third Reading Calendar.

H 99 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bunderson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet. Total - 29.

NAYS--None.

Absent and excused--Burtenshaw, Coiner, Malepeai, Werk, Williams. Total - 5.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 99** passed, title was approved, and the bill ordered returned to the House.

H 264 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet. Total - 29.

NAYS--None.

Absent and excused--Burtenshaw, Coiner, Malepeai, Werk, Williams. Total - 5.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 264** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Stegner, granted by unanimous consent, **H 202** retained its place on the Third Reading Calendar.

H 214, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet. Total - 29.

NAYS--None.

Absent and excused--Burtenshaw, Coiner, Malepeai, Werk, Williams. Total - 5.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 214**, as amended, passed, title was approved, and the bill ordered returned to the House.

Senators Burtenshaw, Malepeai, and Williams were recorded present at this order of business.

H 224 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Lodge disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Andreason, Brandt, Bunderson, Cameron, Compton, Darrington, Davis, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Stegner, Sweet. Total - 17.

NAYS--Broadsword, Burkett, Burtenshaw, Coiner, Corder, Gannon, Geddes, Kelly, Langhorst, Malepeai, Marley, Pearce, Richardson, Schroeder, Stennett, Werk, Williams. Total - 17.

Paired and voting included in roll call:

AYE - Andreason NAY - Werk

AYE - Little NAY - Coiner

Total - 34. [District 21 seat vacant.]

A tie vote having resulted in the roll call, the President voted AYE and declared **H 224** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **S 1172** was placed at the head of the Third Reading Calendar, followed by Senate Finance Committee bills, House Appropriations Committee bills, Senate bills, House bills amended in the Senate, and House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 6:05 p.m. until the hour of 9 a.m., Tuesday, March 22, 2005.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary